

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT W. GARRISON,

Plaintiff,

v.

STATE OF WASHINGTON  
DEPARTMENT CORRECTIONS, et al.,

Defendants.

CASE NO. C12-5396 BHS-JRC

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 36. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The Court adopts the Report and Recommendation.
- (2) The Court grants Defendants’ motion to dismiss as to all claims except the retaliation claim. Plaintiff may file an amended complaint if he feels he has facts showing a violation of his Eighth Amendment rights.
- (3) The Court grants Defendants’ motion for a more definite statement regarding the retaliation claim. Plaintiff will file an amended complaint that cures the defects noted in the Report and

1 Recommendation on this claim. Plaintiff has thirty days from entry  
2 of this order to comply.

- 3 (4) The Court denies Defendants' motion to stay discovery. Defendants  
4 have not raised the affirmative defense of qualified immunity and  
5 they may not rely on cases where qualified immunity barred  
6 discovery. Further, Plaintiff may need discovery in order to comply  
7 with the order to file an amended complaint.  
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9 DATED this 5th day of June, 2013.

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12 BENJAMIN H. SETTLE  
13 United States District Judge  
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